

HOUSE BILL 227

K3, C8

3lr0150
CF SB 278

By: **The Speaker (By Request – Administration) and Delegates Olszewski, Mitchell, Clippinger, Davis, and Busch**

Introduced and read first time: January 21, 2013

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2013

CHAPTER _____

1 AN ACT concerning

2 **Maryland Employment Advancement Right Now (EARN) Program**

3 FOR the purpose of establishing the Maryland Employment Advancement Right Now
4 (EARN) Program (Maryland EARN Program) in the Department of Labor,
5 Licensing, and Regulation (Department); requiring the Department, in
6 consultation with the Department of Business and Economic Development and
7 the Governor's Workforce Investment Board, to establish and administer the
8 Program to provide certain grants on a competitive basis for certain purposes;
9 requiring applications for certain grants under the Program to include certain
10 information; authorizing certain grants to be awarded in a certain manner;
11 requiring the grant process to give priority to certain strategic industry
12 partnerships; authorizing the Department to adopt certain regulations;
13 requiring the Department to monitor certain grants; authorizing the
14 Department to impose certain requirements on certain recipients of certain
15 grants and to revoke certain grants under certain circumstances; providing that
16 certain intellectual property developed as a result of grants awarded under the
17 Program remain in the public domain under certain circumstances; requiring
18 the Department, in consultation with the Department of Budget and
19 Management to develop and implement a certain State employment
20 advancement strategy; requiring the Department, in consultation with the
21 Department of Business and Economic Development and the Department of
22 Information Technology to develop a certain Web site; providing for the funding
23 of the Program; requiring the Department to submit a certain annual report;
24 requiring the Department to convene a certain working group; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Department to provide certain individuals with certain information; defining
2 certain terms; and generally relating to the establishment of the Maryland
3 Employment Advancement Right Now (EARN) Program.

4 BY adding to

5 Article – Labor and Employment

6 Section 11–701 through 11–710 to be under the new subtitle “Subtitle 7.
7 Maryland Employment Advancement Right Now Program”

8 Annotated Code of Maryland

9 (2008 Replacement Volume and 2012 Supplement)

10 Preamble

11 WHEREAS, Even in the most difficult economic times, Maryland has continued
12 to make significant investments in both the State’s K–12 and higher education
13 systems resulting in one of the most highly educated workforces in the country; and

14 WHEREAS, Despite these advances, many working families continue to face
15 significant challenges in obtaining skills and credentials necessary to secure stable
16 employment and to access opportunities for advancement in employment; and

17 WHEREAS, Maryland’s employers and economic growth industries continue to
18 lack skilled workers which inhibits the economic growth of the State; and

19 WHEREAS, Maryland’s workforce development system has many excellent and
20 highly ranked components that are often fragmented in a manner that inhibits the
21 potential for significant economic progress in the State; and

22 WHEREAS, Creating a coordinated system to advance the skills of the State’s
23 workforce through a collaboration of industry, State and local governments, and
24 nonprofits will grow Maryland’s economy; and

25 WHEREAS, Providing access to career ladders for employment advancement
26 and reducing barriers to employment can result in long–term improvements in the
27 economic well–being of working families and will assist in sustaining and growing
28 Maryland’s middle class; and

29 WHEREAS, Maryland’s ability to be competitive in the world economy will only
30 truly improve through working collaborations of public, private, and nonprofit
31 partners that make up the State’s workforce development system; and

32 WHEREAS, Providing skills training for the rapid employment advancement of
33 individuals while meeting the workforce needs of employers will promote both the
34 prosperity of working families and economic development in the State; now, therefore,

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
36 MARYLAND, That the Laws of Maryland read as follows:

- 1 **(2) “JOB READINESS TRAINING” INCLUDES:**
- 2 **(I) OCCUPATIONAL SKILLS DEVELOPMENT;**
- 3 **(II) GED PREPARATION;**
- 4 **(III) LITERACY ADVANCEMENT;**
- 5 **(IV) FINANCIAL STABILITY SERVICES, INCLUDING**
6 **FINANCIAL COACHING;**
- 7 **(V) CREDIT COUNSELING;**
- 8 **(VI) TRANSPORTATION; AND**
- 9 **(VII) CHILD CARE.**

10 **(F) “LOCAL BOARD” MEANS A LOCAL WORKFORCE INVESTMENT BOARD**
11 **ESTABLISHED TO ADMINISTER SERVICES IN A WORKFORCE INVESTMENT AREA**
12 **ESTABLISHED UNDER SUBTITLE 5 OF THIS TITLE.**

13 **(G) “MARYLAND EARN PROGRAM” MEANS THE MARYLAND**
14 **EMPLOYMENT ADVANCEMENT RIGHT NOW PROGRAM CREATED UNDER THIS**
15 **SUBTITLE.**

16 **(H) “STRATEGIC INDUSTRY PARTNERSHIP” MEANS A COLLABORATION**
17 **THAT BRINGS TOGETHER A REGIONAL GROUP THAT MAY INCLUDE EMPLOYERS,**
18 **NONPROFITS, INSTITUTIONS OF HIGHER EDUCATION, COMMUNITY COLLEGES,**
19 **LOCAL BOARDS, LOCAL GOVERNMENTS, OR OTHER RELEVANT PARTNERS TO:**

20 **(1) IDENTIFY COMMON WORKFORCE NEEDS FOR HIGH-DEMAND**
21 **OCCUPATIONS WITHIN A TARGET INDUSTRY; AND**

22 **(2) DEVELOP AND IMPLEMENT INDUSTRY STRATEGIES TO MEET**
23 **THE COMMON WORKFORCE NEEDS AND SHORTAGES BASED ON REGIONAL**
24 **NEEDS.**

25 **(I) “TARGET INDUSTRY” MEANS A GROUP OF EMPLOYERS CLOSELY**
26 **LINKED BY A COMMON PRODUCT OR SERVICE, WORKFORCE SKILLS, SIMILAR**
27 **TECHNOLOGIES, SUPPLY CHAINS, OR OTHER ECONOMIC TIES.**

28 **11-702.**

1 **(A) THERE IS A MARYLAND EMPLOYMENT ADVANCEMENT RIGHT NOW**
2 **(EARN) PROGRAM IN THE DEPARTMENT.**

3 **(B) THE PURPOSE OF THE MARYLAND EARN PROGRAM IS TO CREATE**
4 **INDUSTRY-LED PARTNERSHIPS TO ADVANCE THE SKILLS OF THE STATE'S**
5 **WORKFORCE, GROW THE STATE'S ECONOMY, AND INCREASE SUSTAINABLE**
6 **EMPLOYMENT FOR WORKING FAMILIES.**

7 **(C) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**
8 **BUSINESS AND ECONOMIC DEVELOPMENT AND THE GOVERNOR'S WORKFORCE**
9 **INVESTMENT BOARD, SHALL ESTABLISH AND ADMINISTER THE MARYLAND**
10 **EARN PROGRAM TO PROVIDE GRANTS ON A COMPETITIVE BASIS FOR:**

11 **(1) AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP FOR**
12 **DEVELOPMENT OF A PLAN CONSISTENT WITH THE PURPOSE OF THE MARYLAND**
13 **EARN PROGRAM;**

14 **(2) WORKFORCE TRAINING PROGRAMS AND OTHER QUALIFIED**
15 **PROGRAMS THAT PROVIDE INDUSTRY VALUED SKILLS TRAINING TO**
16 **INDIVIDUALS THAT RESULT IN A CREDENTIAL OR IDENTIFIABLE SKILL**
17 **CONSISTENT WITH AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP PLAN;**
18 **AND**

19 **(3) JOB READINESS TRAINING AND SKILLS TRAINING THAT**
20 **RESULTS IN A CREDENTIAL OR AN IDENTIFIABLE SKILL.**

21 **11-703.**

22 **(A) AN APPLICATION FOR A STRATEGIC INDUSTRY PARTNERSHIP**
23 **GRANT UNDER § 11-702(C) OF THIS SUBTITLE SHALL:**

24 **(1) INCLUDE:**

25 **(I) EVIDENCE OF SHORTAGES IN SKILLED EMPLOYMENT**
26 **WITHIN THE TARGET INDUSTRY OVER A SUSTAINED PERIOD OF TIME;**

27 **(II) A DESCRIPTION OF SPECIFIC HIGH-DEMAND**
28 **OCCUPATIONS OR SETS OF OCCUPATIONS WITHIN THE TARGET INDUSTRY; AND**

29 **(III) THE SPECIFICS OF TRAINING PROGRAMS THAT WOULD**
30 **RESULT IN INDIVIDUALS OBTAINING CREDENTIALS OR IDENTIFIABLE SKILLS TO**
31 **FACILITATE THEIR EMPLOYMENT OR ADVANCEMENT IN THE TARGETED**
32 **INDUSTRY; AND**

1 **(2) IDENTIFY MEMBERS PARTICIPATING IN THE STRATEGIC**
2 **INDUSTRY PARTNERSHIP AND INCLUDE IDENTIFICATION OF THE TARGET**
3 **INDUSTRY AND THE PARTICIPATING LOCAL BOARD.**

4 **(B) GRANTS MAY BE AWARDED FOR SKILLS TRAINING CONSISTENT**
5 **WITH AN APPROVED STRATEGIC INDUSTRY PARTNERSHIP PLAN DEVELOPED**
6 **UNDER § 11-702(C) OF THIS SUBTITLE TO:**

7 **(1) INDUSTRIES WITH IDENTIFIED POSITIONS AND A**
8 **DEMONSTRATED NEED FOR INCUMBENT WORKER TRAINING THAT CAN BE**
9 **ACCESSED BY EMPLOYEES AT THEIR PLACE OF EMPLOYMENT OR OTHER**
10 **LOCATION;**

11 **(2) INDUSTRIES WITH AN IDENTIFIED WORKFORCE SHORTAGE**
12 **THAT WILL BE SEEKING TO HIRE INDIVIDUALS TO TRAIN TO MEET A SPECIFIC**
13 **SKILL NEED;**

14 **(3) A MEMBER OF A STRATEGIC INDUSTRY PARTNERSHIP THAT**
15 **CAN PROVIDE JOB READINESS TRAINING TO QUALIFIED INDIVIDUALS DIRECTLY**
16 **OR THROUGH ACCOUNTS HELD AT LOCAL BOARDS ON BEHALF OF THE**
17 **INDIVIDUAL; AND**

18 **(4) EDUCATIONAL PROVIDERS THAT OFFER TRAINING**
19 **CONSISTENT WITH THE GOALS OF THE PLAN.**

20 **(C) THE COMPETITIVE GRANT PROCESS SHALL GIVE PRIORITY TO**
21 **STRATEGIC INDUSTRY PARTNERSHIPS THAT MAXIMIZE THE POTENTIAL OF THE**
22 **COLLABORATION THROUGH DIRECT FINANCIAL OR IN-KIND CONTRIBUTIONS BY**
23 **MEMBERS OF THE TARGET INDUSTRY.**

24 **11-704.**

25 **THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE**
26 **PROVISIONS OF THIS SUBTITLE.**

27 **11-705.**

28 **(A) THE DEPARTMENT SHALL MONITOR ALL GRANTS PROVIDED UNDER**
29 **THE MARYLAND EARN PROGRAM.**

30 **(B) THE DEPARTMENT MAY REQUIRE THAT ALL RECIPIENTS OF**
31 **STRATEGIC INDUSTRY PARTNERSHIP GRANTS:**

1 (1) DEMONSTRATE AN ABILITY TO COLLABORATE SUCCESSFULLY;
2 AND

3 (2) INCLUDE ADDITIONAL PROVISIONS IN A GRANT PROPOSAL TO
4 ENSURE ACCOUNTABILITY.

5 (C) THE DEPARTMENT MAY REVOKE GRANT FUNDING FROM A
6 STRATEGIC INDUSTRY PARTNERSHIP, WORKFORCE TRAINING PROGRAM, OR
7 PARTNERSHIP MEMBER IF GOALS CONSISTENT WITH A GRANT AGREEMENT
8 APPROVED BY THE DEPARTMENT ARE NOT MET.

9 (D) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH RELEVANT
10 JUDICIAL OPINIONS AND STATUTORY LAW, ANY INTELLECTUAL PROPERTY
11 DEVELOPED AS A RESULT OF A GRANT AWARDED UNDER THE MARYLAND EARN
12 PROGRAM SHALL REMAIN IN THE PUBLIC DOMAIN.

13 11-706.

14 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
15 BUDGET AND MANAGEMENT, SHALL DEVELOP AND IMPLEMENT A STATE
16 EMPLOYMENT ADVANCEMENT STRATEGY.

17 (B) THE STATE EMPLOYMENT ADVANCEMENT STRATEGY SHALL
18 IDENTIFY:

19 (1) POSITIONS IN STATE GOVERNMENT IN NEED OF SKILLED
20 EMPLOYEES; AND

21 (2) MECHANISMS TO PROVIDE INCUMBENT STATE EMPLOYEES
22 WITH ACCESS TO SKILLS TRAINING PROGRAMS THAT RESULT IN:

23 (I) EMPLOYMENT ADVANCEMENT RESULTING IN TITLE
24 PROMOTION OR WAGE PROMOTION; OR

25 (II) THE POTENTIAL FOR FUTURE EMPLOYMENT
26 ADVANCEMENT AS THE RESULT OF OBTAINING A CREDENTIAL OR IDENTIFIABLE
27 SKILL.

28 11-707.

29 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
30 BUSINESS AND ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF
31 INFORMATION TECHNOLOGY, SHALL DEVELOP A UNIFORM AND EASILY
32 ACCESSIBLE STATEWIDE "TRAIN MARYLAND" WEB SITE PROMOTING

1 AVAILABLE TRAINING PROGRAMS IN THE STATE, INCLUDING THOSE AVAILABLE
2 UNDER THE MARYLAND EARN PROGRAM.

3 11-708.

4 FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, THE
5 MARYLAND EARN PROGRAM SHALL BE FUNDED AS PROVIDED FOR IN THE
6 STATE BUDGET.

7 11-709.

8 (A) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT
9 SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF
10 THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE
11 AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON THE MARYLAND EARN
12 PROGRAM.

13 (B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
14 SHALL INCLUDE:

15 (1) AN IDENTIFICATION OF TRAINING NEEDS STATEWIDE,
16 INCLUDING INDUSTRIES IN URGENT NEED OF QUALIFIED WORKERS;

17 (2) INFORMATION ON MEASURES BEING USED TO TRACK THE
18 SUCCESS AND ACCOUNTABILITY OF THE MARYLAND EARN PROGRAM,
19 INCLUDING USE OF THE STATESTAT ACCOUNTABILITY PROCESS UNDER §
20 3-1003(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

21 ~~(2)~~ (3) (I) A DESCRIPTION OF EACH STRATEGIC INDUSTRY
22 PARTNERSHIP RECEIVING GRANT FUNDING AND THE STATUS OF THE
23 PARTNERSHIP; AND

24 (II) THE JURISDICTION OF THE STATE IN WHICH EACH
25 STRATEGIC INDUSTRY PARTNERSHIP IS LOCATED;

26 ~~(3)~~ (4) THE NUMBER OF INDIVIDUALS:

27 (I) PARTICIPATING BY SEX, RACE, NATIONAL ORIGIN,
28 INCOME, COUNTY OF RESIDENCE, AND EDUCATIONAL ATTAINMENT,
29 PARTICIPATING IN EACH COMPONENT OF THE MARYLAND EARN PROGRAM;
30 AND

31 (II) PARTICIPATING IN THE MARYLAND EARN PROGRAM
32 WHO, AS A RESULT OF THE PROGRAM, HAVE OBTAINED:

- 1 1. A CREDENTIAL OR AN IDENTIFIABLE SKILL;
- 2 2. A NEW EMPLOYMENT POSITION;
- 3 3. A TITLE PROMOTION; OR
- 4 4. A WAGE ~~PROMOTION~~ PROMOTION; AND

5 **(5) AN ASSESSMENT OF WHETHER AND TO WHAT EXTENT THE**
6 **APPROVED STRATEGIC INDUSTRY PARTNERSHIPS UTILIZED EXISTING DATA**
7 **CONCERNING:**

8 **(I) TRAINING NEEDS IN THE STATE IDENTIFIED IN**
9 **PREVIOUS STUDIES; AND**

10 **(II) APPLICABLE SKILLS NEEDS IDENTIFIED IN EXISTING**
11 **WORKFORCE STUDIES, PLANS, OR RESEARCH.**

12 **11-710.**

13 **THIS SUBTITLE MAY BE CITED AS THE “MARYLAND EARN PROGRAM”.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
15 Labor, Licensing, and Regulation shall convene a working group of stakeholders
16 including interested employers, nonprofits, workforce training entities, higher
17 education institutions, community colleges, and local workforce investment boards to
18 advise on the initial development and implementation of the Maryland EARN
19 Program established under this Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
21 Labor, Licensing, and Regulation shall provide to individuals receiving or applying for
22 unemployment benefits information on the Maryland EARN Program, including
23 information on how to obtain job readiness and skills training in the State.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 June 1, 2013.